

REPLACEMENT DRAWINGS

Attached hereto is a new sheet of drawings for figure 2. The changes to the drawings are explained below, in the "REMARKS" section. All of the drawings on the replacement sheet, as originally filed, are provided herein. The header of each revised drawing sheet includes the following information: (i) "Replacement Sheet", (ii) application number and (iii) date information. The Examiner is requested to provide an indication of such consideration in the next Office Action.

REMARKS

Claims 1-17 and 31 are currently pending in the application. Applicants elect Group I and Species I with traverse.

Drawings

New FIG. 2 is added by this amendment. New FIG. 2 does not add new matter and is fully supported by the original disclosure. For example, support for FIG. 2 is found in the claims as originally filed, FIGS. 2A-2L, 4, and 5, and paragraphs 0018, 0023, 0024, 0025, 0026, 0034, 0036, 0037, and 0038.

Applicants respectfully submit that FIG. 2 illustrates an aspect of an exemplary process for forming a transistor according to the invention, and is included in Species I of Group I (previously defined as FIGS. 2A-2L).

Specification

The specification is amended to properly refer to newly added FIG. 2. No new matter has been added.

Response to Restriction Requirement and Election of Species

In the Notice of Non-Responsive Reply dated June 13, 2006, the Examiner acknowledged Applicants' earlier election filed February 6, 2006. The Examiner first asserted that Applicants cannot make an election both with and without traverse. The Examiner additionally asserted that none of the claims read on Species I (FIGS. 2A-2L).

Applicants respectfully disagree, and submit that claims 1-17 and 31 read on Species I for the following reasons.

In the Restriction Requirement dated September 28, 2005, the Examiner required restriction to one of two inventions defined as Group I, claims 1-17, drawn to a method, and Group II, claims 18-30, drawn to a device. The Examiner further stated that if either Group I or Group II was elected, then a further election of a single species would be required. The Examiner defined Species I as figures 2A-2L, Species II as figure 3, Species III as figure 4, and Species IV as figure 5.

Applicants submit that, in considering which claims read on a species, the Examiner must consider the specification in addition to the figures. In other words, because a species is an embodiment (MPEP §806.04(e)), the Examiner must consider the entire description (e.g., figures and specification) of the embodiment.

Accordingly, Applicants submit that the embodiment of FIGS. 2A-2L (i.e., Species I) includes the portions of the specification that describe FIGS. 2A-2L. Applicants further submit that the portions of the specification that describe FIGS. 2A-2L clearly describe adjusting the shallow-trench-isolation oxide corresponding to at least one of the n-type device and the p-type device such that a thickness of the shallow-trench-isolation oxide adjacent to the n-type device is different from a thickness of the shallow-trench-isolation oxide adjacent to the p-type device, as recited in claim 1. See, for example, paragraph 0034 (describing FIG. 2K) and paragraph 0036 (describing the method (i.e., FIGS. 2A-2L)). Therefore, Species I (i.e., the embodiment shown in FIGS. 2A-2L) includes a description of the features of at least independent claims 1, 14, and

31. Accordingly, claims 1-17 and 31 read on Species I and should be examined on the merits.

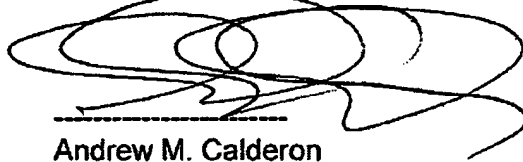
In any event, Applicants submit that new FIG. 2 is directed to the same embodiment as FIGS. 2A-2L because it shows aspects of the method that are described in at least paragraphs 0034 and 0036. Therefore, Species I should include FIG. 2. Moreover, FIG. 2 shows aspects of the invention claimed in claims 1, 14, and 31. Specifically, FIG. 2 shows aspects of a method of manufacturing a device including an n-type device and an adjacent p-type device, in which a shallow-trench-isolation (STI) oxide layer corresponding to one of the n-type and p-type device has been adjusted such that its thickness is different from the STI oxide adjacent to the other of the n-type and p-type device. Thus, Applicants submit that Species I includes FIGS. 2-2L, and that claims 1-17 and 31 are directed to this embodiment.

Applicants further submit that claims 1 and 14 are generic claims since the recitation of features by definition includes the features shown in figures 4 and 5. Applicants submit that claims 1-17 read on the elected species in addition to Figures 4 and 5.

Accordingly, Applicants respectfully request that the Notice of Non-Responsive Reply be withdrawn and that claims 1-17 and 31 be examined on the merits.

If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 09-0458.

Respectfully submitted,
Haining S. YANG

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', is written over a horizontal dashed line.

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